

Message Text

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INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10
SIG-01 MMO-01 SP-02 USIA-06 AID-05 EB-08 NSC-05
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EA:DHARRIS

ARA:JPARKER

S/P:CHUME

IO:GHELMAN

L/UNA:DSTEWART/SSCHWEBEL (SUBS)

COMMERCE:RUPTON (INFO)

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R 250054Z AUG 77

FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS

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FOR AMBASSADOR YOUNG IN LAGOS

E.O. 11652: GDS

TAGS: ILO, PLAB

SUBJECT: ILO - RECENT DEVELOPMENTS

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REF: STATE 102699, ABIDJAN 8085, TUNISIA 5968

1. THIS CABLE REVIEWS DEVELOPMENTS SINCE THE JUNE 1977 ILO CONFERENCE(ILC) AND THE REFTEL REGARDING THE ILO AND THE NOVEMBER 1975 US LETTER OF INTENT TO WITHDRAW FROM THE ILO. POSTS MAY DRAW UPON IT AS APPROPRIATE FOR BACKGROUND DISCUSSIONS WITH FOREIGN OFFICIALS, BUT SHOULD NOT TAKE INI-

TIATIVE IN RAISING THE SUBJECT OF US WITHDRAWAL AT THIS POINT.

2. FOREIGN REACTION: IN RECENT WEEKS NUMEROUS APPROACHES HAVE BEEN MADE TO THE US GOVERNMENT BY FOREIGN GOVERNMENTS URGING THAT THE US NOT LEAVE THE ILO. IN THE CASE OF THE INDUSTRIALIZED MARKET ECONOMY COUNTRIES (IMEC) AND SEVERAL KEY DEVELOPING COUNTRIES, THESE APPROACHES HAVE INVOLVED STATEMENTS OF DETERMINATION OR WILLINGNESS TO PURSUE THE CAUSE OF ILO REFORM IN THE FUTURE WHETHER OR NOT THE UNITED STATES REMAINS IN THE ILO. MANY OF THESE HAVE INDICATED A DESIRE TO SEARCH FOR SPECIFIC STEPS THAT MIGHT BE TAKEN PRIOR TO THE NOVEMBER 5, 1977 DEADLINE IN ORDER TO ENCOURAGE THE UNITED STATES EITHER TO WITHDRAW OR EXTEND ITS LETTER

OF INTENT TO LEAVE THE ILO.

3. CABINET-LEVEL COMMITTEE: THE CABINET-LEVEL COMMITTEE (CLC) ON ILO AFFAIRS MET AUGUST 16. PARTICIPANTS INCLUDED SECRETARY OF LABOR MARSHALL, CHAIRMAN, SECRETARY VANCE, UNDER SECRETARY OF COMMERCE HARMAN, DR. ZBIGNIEW BRZEZINSKI, GEORGE MEANY, AND CHARLES SMITH FROM THE CHAMBER OF COMMERCE. THE CLC REVIEWED THE RECORD OF THE PERIOD FROM NOVEMBER 1975 THROUGH THE JUNE 1977 CONFERENCE. IN ADDITION IT DISCUSSED RECENT DIPLOMATIC APPROACHES, INCLUDING JUDGMENTS BY OTHER GOVERNMENTS THAT PROGRESS IN THE ILO RE-

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AINED POSSIBLE. THE CLC DECIDED: (A) NOT TO MAKE A FINAL RECOMMENDATION TO THE PRESIDENT AT THIS TIME; (B) TO RE-AFFIRM THAT THE NOVEMBER 1975 LETTER REMAINS IN FORCE; AND (C) TO MEET AGAIN TO REVIEW THE FULL TWO YEAR PERIOD, INCLUDING ANY DEVELOPMENTS -- DIPLOMATIC OR INSTITUTIONAL -- IN THE COMING WEEKS, AND THEN TO MAKE A FINAL RECOMMENDATION TO THE PRESIDENT. THERE WAS A CONSENSUS BY GOVERNMENT, LABOR AND EMPLOYER PARTICIPANTS THAT WE WOULD EXAMINE CAREFULLY IDEAS OTHER GOVERNMENTS MIGHT HAVE FOR MAKING PROGRESS ON SOME OF THE ISSUES THAT LED TO THE SETBACK AT THE JUNE 1977 CONFERENCE. THESE ISSUES INCLUDED THE QUESTION OF STRUCTURE -- SPECIFICALLY THE POWERS AND COMPOSITION OF THE GOVERNING BODY, A QUESTION WHICH THE ILO HAS BEEN STALEMATED ON FOR YEARS.

4. AS THE FINAL CIRCULAR BEFORE THE JUNE 1977 MEETING STRESSED, (SEE REFTEL) OVER THE PAST TWO YEARS THE UNITED STATES HAS TRIED -- THROUGH AN EXTRAORDINARY DIPLOMATIC EFFORT -- TO DETERMINE WHETHER THERE REMAINS SUFFICIENT COMMUNITY OF INTEREST BETWEEN THE UNITED STATES AND OTHER ILO MEMBERS, GIVEN RATHER MAJOR CHANGES IN THE ORGANIZATION WHICH HAVE TAKEN PLACE IN RECENT YEARS. THE JUNE 1977

ILC DEMONSTRATED THIS COMMUNITY OF INTEREST AMONG IMEC COUNTRIES. THE ISSUE IS WHETHER THERE REMAINS A COMMUNITY OF INTEREST WITH THE LARGEGROUP OF MEMBERS. SINCE THE JUNE 1977 ILC NUMEROUS COUNTRIES HAVE SUGGESTED THIS COMMUNITY OF INTEREST DOES REMAIN AND THAT THIS CAN BE DEMONSTRATED IN CONCRETE WAYS PROVIDED THERE IS MORE TIME FOR ALL OFTHEVARIOUS CONCERNED STATES TO CONSULT WITH ONE ANOTHER. THE EC-9 IS, IN THIS CONNECTION, NOW ATTEMPTING TO ENCOURAGE OTHER GOVERNMENTS TO URGE THE UNITED STATES TO EXTEND ITS LETTER OF INTENT THROUGH NOVEMBER 1978. THE ILO LEGAL ADVISER AND OTHERS HAVE CONCLUDED THAT THIS IS A LEGALLY FEASIBLE COURSE OF ACTION. DEPT IS NOW REVIEWING THE ILO ADVISE LEGAL POSITION.

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5. IT IS IMPORTANT THAT MEMBER STATES FOCUS ON STEPS WHICH VARIOUS ILO MEMBERS (INCLUDING DEVELOPING COUNTRIES) CAN

TAKE OVER THE NEXT TWO MONTHS THAT WOULD ENABLE MEMBER STATES TO STRENGTHEN A COMMUNITY OF INTEREST AND FURTHER THE UNDERLYING PRINCIPLES OF THE ORGANIZATION. OF CRITICAL IMPORTANCE TO THE UNITED STATES IN THIS REGARD IS THE WORK OF THE ILO IN THE INVESTIGATION AND MONITORING OF VOLUNTARILY ACCEPTED CONVENTIONS. THE 1977 REPORT OF THE COMMITTEE OF EXPERTS IN PARAGRAPH 31 EXPLICITLY ENDORSED THE VITAL PRINCIPLE THAT: "SUBJECT ONLY TO ANY DEROGATIONS WHICH ARE EXPRESSLY PERMITTED BY THE CONVENTION ITSELF, THESE REQUIREMENTS REMAIN CONSTANT AND UNIFORM FOR ALL COUNTRIES. IN CARRYING OUT THIS WORK, THE COMMITTEE IS GUIDED BY THE STANDARDS LAID DOWN IN THE CONVENTION ALONE, MINDFUL, HOWEVER, OF THE FACT THAT THE MODES OF THEIR IMPLEMENTATION MAY BE DIFFERENT IN DIFFERENT STATES. THESE ARE INTERNATIONAL STANDARDS, AND THE MANNER IN WHICH THEIR IMPLEMENTATION IS EVALUATED MUST BE UNIFORM AND MUST NOT BE AFFECTED BY CONCEPTS DERIVED FROM ANY PARTICULAR SOCIAL OR ECONOMIC SYSTEM." ALTHOUGH THE JUNE 1977 ILC TOOK A NUMBER OF DECISIONS WITH WHICH THE UNITED STATES DISAGREED, THE MOST CRITICAL VOTE IN THE EYES OF THOSE WHO HAVE REGULARLY FOLLOWED THE WORK OF THE ILO WAS THE DECISION OF THE ILC NOT TO ACCEPT THE REPORT OF THE COMMITTEE ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS (CACR), A REPORT WHICH WAS BASED ON THECOE REPORT AND WHICH WAS GENERALLY CONSIDERED A SOLID AND PROFESSIONAL PIECE OF WORK. ILC REFUSAL TO ACCEPT THE CACR REPORT RAISED QUESTIONS ABOUT THE UNDERLYING PURPOSE OF THE ILO COMPLIANCE MACHINERY, ALWAYS CONSIDERED THE MOST ADVANCED

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IN THE UN SYSTEM. THE DEPARTMENT THEREFORE HOPES THAT STATES CAN CONCENTRATE ON TAKING ACTION IN THE COMING WEEKS ON THIS IMPORTANT ISSUE. IN PARTICULAR, VIEWS OF OTHERS ON THIS ISSUE WOULD BE HELPFUL TO MEMBERS OF THE CABINET-LEVEL COMMITTEE WHEN IT CONVENES TO MAKE ITS RECOMMENDATION TO THE PRESIDENT.

6. FOR GENEVA: THE OFFER OF THE GOVERNMENT OF EGYPT TO BE HELPFUL ON ARTICLE 17, ESPECIALLY IF THE UNITED STATES CAN INDICATE SOME FLEXIBILITY ON STRUCTURE, IS ONE WHICH THE DEPARTMENT BELIEVES SHOULD BE EXPLORED. WE WOULD APPRECIATE KNOWING THROUGH YOUR CONSULTATIONS IN GENEVA WHAT SPECIFIC PROPOSALS BOTH ON ARTICLE 17 AND ON STRUCTURE GOE COULD SUPPORT AND ALSO THE DEGREE OF SUPPORT THE GOE BELIEVES IT MIGHT OBTAIN FROM GOVERNMENTS OF OTHER DEVELOPING COUNTRIES. WE HAVE EXAMINED PROPOSALS ON STRUCTURE AND GOVERNING BODY REFORM FROM THE STANDPOINT OF FIVE MAIN CRITERIA: (A) DESIRE TO MAINTAIN CONTINUITY OF THE MEMBERS OF THE GB; (B) LOGIC OF HAVING MAJOR CONTRIBUTORS TO THE ILO PLAY A LEADING ROLE IN THE GB; (C) AVOIDANCE OF

ANY CHANGE IN STRUCTURE WHICH MIGHT UNDERMINE THE AUTONOMY OF WORKER/EMPLOYER REPRESENTATIVES TO THE GOVERNING BODY; (D) SUPPORTING IMPORTANCE OF GB IN OVERALL WORK OF ILO; (E) NOT UNDULY INCREASING THE SIZE OF THE GB, WHICH IS ALREADY ALMOST UNWIELDY.

7. POSTS SHOULD REPORT FULLY ALL CONVERSATIONS WITH FOREIGN OFFICIALS ON THESE QUESTIONS. WE WILL SEEK TO KEEP POSTS ABREAST OF DEVELOPMENTS WHICH MAY BE OF INTEREST TO THEIR HOST GOVERNMENTS. CHRISTOPHER

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